

FILED ELECTRONICALLY

PATENT APPLICATION
Docket No. 16542.16.1A.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Devin Leake, et al.)
)
Serial No.:	10/551,350) Art Unit
) 1635
Filed:	October 19, 2006)
)
Title:	MODIFIED POLYNUCLEOTIDES FOR)
	USE IN RNA INTERFERENCE)
)
Confirmation No.:	3238)
)
Customer No.:	022913)
)
Examiner:	Amy Hudson Bowman)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is presented in response to the Election of Species Requirement, mailed June 16, 2008.

The Examiner has requested an election of a single disclosed species to be examined. The Examiner has not specifically identified any species, but stated Applicant is required to elect one specific species of modifications or one specific combination of recited modifications. However, claims that were deemed to correspond to species were recited.

Applicant hereby elects without traverse the species having the following modification scheme: a first nucleotide of the sense strand closest to the 5' end of the sense strand having a 2'-

O-alkyl modification; a second nucleotide of the sense strand next closest to the 5' end of the sense strand having a 2'-O-alkyl modification; a first nucleotide of the antisense strand closest to the 5' end of the antisense strand is phosphorylated at its 5' end and the sense strand is devoid of a phosphate at its 5' end; the antisense region includes at least one nucleotide other than first and second antisense nucleotides having a 2' modification; the antisense strand has at least one phosphorothioate internucleotide linkage; a 3' overhang of 1-5 nucleotides on at least one of the sense or antisense strand; and at least one conjugate cholesterol coupled to the 3' end of the sense strand. In view of the foregoing election of species, Applicant believes that 201, 202, 206, 207, 213, 220, 221, 224-227, 228, 230, 231, 232, 233, 234, 235, and 236 read on the elected species. This listing of claims readable on the elected species is different from that offered by the Examiner, but is closest to the combination of claims 201, 202, 206, 213, 220, 221, and 224-227. However, Applicant believes that claims 207, 228, and 230 - 236 also read on the elected species

The Examiner has also requested an election of a specific configuration of the modifications for examination. In response, Applicant hereby elects without traverse the specific configuration of a 2'-O-methyl modification for the 2'-O-alkyl modifications on the sense strand.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney by telephone at (801) 533-9800.

Dated this 10th day of July, 2008.

Respectfully submitted,

/Jonathan M. Benns, Reg. # 53983/

JONATHAN M. BENNS
Registration No. 53,983

JOHN C. STRINGHAM
Registration No. 40,831
Attorneys for Applicants
Customer No. 022913